

## **Brigham Moore Applauds Florida's New Stricter Eminent Domain Law**

TALLAHASSEE, FL -- (MARKET WIRE) -- 05/18/2006 -- With the signing of HB 1567, Florida Governor Jeb Bush put an end to eminent domain abuse in the context of "community redevelopment" in Florida.

The state is putting a stop to the taking of private property for less than genuine public purposes under the label of "slum" or "blight," according to Andrew Brigham, a Florida lawyer with Brigham Moore LLP, who testified repeatedly during the recent legislative hearings. The firm is Florida's leading statewide eminent domain and property rights defense firm with offices throughout the state.

"In the past 10 to 15 years, takings of private property were not occurring in the inner city where free enterprise had been found to abandon the community," said Brigham. "Instead, takings for the bigger, better and more beautiful visions of local government and favored developers were occurring near the oceanfront or Intracoastal, requiring the taking of private property from those who were less economically or politically empowered than the developers to whom title would transfer."

Controversy erupted recently when Michael Brown, Riviera Beach, FL, Mayor, and Robert Healey, a New Jersey developer owning Viking Yachts, mounted a last minute lobbying effort to allow local government a "grace period" in which to enter into development agreements to use the power of eminent domain to assemble property for the developer. This would allow eminent domain proceedings to be filed by the City up until 2010.

Healey proposes to build a marina, hotels, restaurants, retail shops and condos where homes and small businesses now stand under private ownership. Brown calls the development effort a "rescue mission" to save poor neighborhoods. To back their plan, Healey offered to pay for chartered buses to transport protestors to Tallahassee, FL in the hopes of deterring Governor Bush from signing the bill.

According to Brigham's prevailing viewpoint, "It is hard to conceive that 'saving' the neighborhood requires actually 'selling' the neighborhood to a developer. Can it really be suggested that you are on a 'rescue mission' when you are taking away a person's home or business? These people do not want to be rescued, only left alone."

Rather than allowing for a "grace period," Florida's lawmakers stood by their original promise to provide meaningful reform to the state's property owners. HB 1567 was signed in record time to accelerate the commencement of eminent domain proceedings, and an effective date was provided upon the governor's signature. So too, HB 1569 was signed and provides that a constitutional amendment be placed on November's ballot for protection against takings of private property for the sole purpose of economic development.

"This is an uplifting testament of how Florida's Legislature and Governor stayed true to the hard-working people whose homes or businesses were in the sites of a 'reverse-Robin-Hood' eminent domain exercise," said Brigham.

"We avoided a devastating compromise sought by a number of local governments and their developers. Our representatives in Tallahassee did not forget whom they serve." Nevertheless, subsequent to Governor Bush's signing the bills into law, Mayor Brown and Riviera Beach are now preparing to file eminent domain proceedings on Viking Yacht's behalf to take private property and challenge the new law. Such an endeavor will serve as a backdrop to the issue set before Florida voters this next fall.